

REMARKS

Re-examination and allowance of the present application is respectfully requested.

On February 28, 2006, Applicants submitted a Response Under 37 C.F.R. §1.116 in response to the final Office Action that was mailed on December 16, 2005. On March 17, 2006, an Advisory Action was mailed indicating that the February 28, 2006 response would not be entered. In issuing the Advisory Action, the Examiner indicated that the response that was filed overcomes the statutory double patenting rejection and the 35 U.S.C. §102(e) rejection that were made in the December 16, 2005 final Office Action, but that the claims in the present application were now rejected under the non-statutory judicially created doctrine of double patenting in view of claims 10-18 in co-pending Application No. 10/721,415. The Examiner noted that this is a provisional double patenting rejection, as the conflicting claims have not in fact been patented. The Examiner further noted that a timely filed terminal disclaimer may be filed to overcome this rejection.

On March 24, 2006, Applicants' U.S. counsel communicated with the Examiner, and confirmed that filing a terminal disclaimer in one of the present application or co-pending application 10/721,415 would place both applications in condition for allowance.

In view of the above, Applicants respectfully request that the non-entered amendment that was filed in the present application on February 28, 2006 be entered prior to entering the present response.

Applicants herewith submit a Terminal Disclaimer in the present application in order to over-come the non-statutory obviousness type double patenting rejection set forth against both applications and to advance both applications to issue.

Applicants are filing the Terminal Disclaimer in the present application merely to remove any issue as to whether the claims of the above-identified application and those of co-pending application number 10/721,415 in any way conflict. However, neither Applicants nor the assignee make any representation as to whether the invention defined by the claims of either application would have been obvious in view of the other, or to acquiesce to the Examiner's decision that the judicially created double patenting rejection set forth by the Examiner is proper.

Applicants note that no other rejection is set forth in the application. Accordingly, Applicants submit that the claims in the present application are allowable, and respectfully request such an indication from the Examiner.

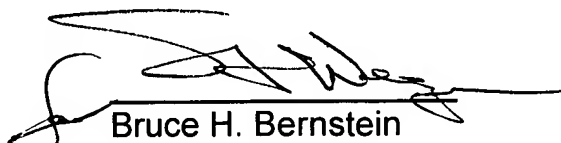
SUMMARY

In view of the fact that none of the art of record, whether considered alone or in combination, discloses or suggests the present invention as defined by the pending claims, and in further view of the above remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

If there should be any questions concerning this application, the Examiner is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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Enclosure: Terminal Disclaimer